

EXHIBIT 7

C.A. No. 4:-17-CV-01749;
Alfred Dewayne Brown v. City of Houston, et al.

REPORTER'S RECORD

Volume 32 of 41 Volumes

Trial Court No. 1035159

Court of Appeals No. AP-75,294

THE STATE OF TEXAS : IN THE DISTRICT COURT OF
VS. : HARRIS COUNTY, T E X A S
ALFRED DeWAYNE BROWN : 351ST JUDICIAL DISTRICT

JURY TRIAL

On the 14th day of October, 2005, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable Mark Kent Ellis, Judge presiding, held in Houston, Harris County, Texas.

Proceedings reported by computerized stenotype machine.

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1 that, let's take a break.

2 MR. LAFON: Okay.

3 THE COURT: Please retire to the
4 jury room.

5 THE BAILIFF: All rise.

6 (Jury retired.)

7 (Short recess.)

8 (Jury seated.)

9 THE COURT: Please be seated.

10 All right. You may continue,
11 Mr. Lafon.

12 MR. LAFON: Thank you, Judge.

13 DIRECT EXAMINATION CONTINUED

14 BY MR. LAFON:

15 Q. Officer McDaniel, I wanted to focus on
16 kind of another area that you helped out in
17 regards to this investigation. And can you tell
18 the ladies and gentlemen of the jury basically
19 kind of generally what you did?

20 A. In the case you mean?

21 Q. Uh-huh.

22 A. Well, of course, in the beginning we were
23 all assigned to this and we spent a great deal of
24 time following up whatever leads there were in the
25 case that came in interviewing many people. So I

1 began with that and as we honed in on some
2 suspects and began to try to track these
3 individuals down, I worked a lot on the phone
4 records because I developed some knowledge on how
5 the phone records work and expertise in that area.

6 And so I worked on that a great deal
7 in the beginning and throughout the investigation.

8 Q. Okay. When we say -- when you say phone
9 records, are we talking about just regular old
10 telephone records or are we talking about cell
11 phones?

12 A. Both. Primarily, though, we concentrate
13 on the cell phone records on most cases that I've
14 encountered.

15 Q. Okay. Let me ask you some questions
16 generally about that practice first of all.

17 Have you received any kind of
18 formalized training in regards to the use of cell
19 phone records and tracking and things of that
20 nature as it relates to investigations by the
21 police and its application and its use in
22 investigations by the police.

23 A. Yes, sir, I have. I've received
24 extensive training. The first formal school I
25 went to was the Secret Service school on the

1 issues. And in addition to that the majority of
2 my work has been with the U.S. Marshal's
3 Electronic Surveillance Unit on-the-job training,
4 essentially with them throughout the last several
5 years in which we've worked these type of cases.

6 Q. Okay. And on how many cases would you
7 say you've worked on where you've actually used
8 this technology that you're going to be testifying
9 about?

10 A. Hundreds now.

11 Q. And have you also in your career been an
12 instructor on these issues and the use of cell
13 phone records and its application in criminal
14 investigations as well?

15 A. Yes, sir. I have gotten to the point
16 where I do now teach on it within our division and
17 department as well as to other agencies.

18 Q. Okay. Have you been called upon as a
19 witness to testify about this before?

20 A. Yes, sir, I have.

21 Q. And how many cases would you say that
22 you've testified about this specific technology
23 before?

24 A. At least 20 felony trials that I can
25 think of.

1 Q. Is that in state court or also in Federal
2 court?

3 A. In state court primarily. I don't
4 believe I've testified about phone records in
5 Federal court that I can remember.

6 Q. Okay. Obviously, most of what you do is
7 in state court; is that correct?

8 A. The vast majority, yes, sir.

9 Q. In this situation can you tell the ladies
10 and gentlemen of the jury at some point in time
11 did you come to know that there was a cell phone
12 attributed both to the suspect Shon Glaspie and
13 also the suspect Elijah Joubert, also known as
14 Ghetto?

15 A. Yes, we did. Early on in the
16 investigation we were able to identify phones that
17 were being used or believed to be being used by
18 those two defendants.

19 Q. Okay. And also in your investigation
20 were you ever able to develop whether or not the
21 Defendant, Alfred Brown, had a cellular telephone?

22 A. We were never able to find any record or
23 any claim by any person that he did, in fact, have
24 a cell phone during the period of this
25 investigation.

1 Q. Okay. The fact that you knew or got
2 information that Shon Glaspie as well as Elijah
3 Joubert had cell phones, did that open up your
4 ability to then go and use some of the technology
5 that you're aware of in helping try to track these
6 individuals as well as, you know, help in aiding
7 the investigation generally, so to speak?

8 A. Absolutely. I'm first able to look at
9 are we on the right track here. Did these
10 people's phone records, are they consistent with
11 what we believed has happened in the
12 investigation. Did they conflict in any way,
13 first. And then, second, if we're still looking
14 for these individuals, it's a great assistance in
15 locating people in most cases.

16 Q. Okay. Let me show you what I've marked
17 for identification purposes as State's Exhibit
18 No. 222. I'm sorry. I've actually marked it as
19 State's Exhibit No. 240 and ask you if you're
20 familiar with this document?

21 A. Yes, sir, I am.

22 Q. All right. And are you also familiar
23 with the information that's included in State's
24 Exhibit No. 223?

25 A. Yes, sir.

1 Q. State's Exhibit No. 223 are cellular
2 telephone records for both Shon Glaspie and Elijah
3 Joubert that we've obtained with records custodian
4 affidavit from T-Mobile; is that correct?

5 A. Yes, sir.

6 Q. All right. And State's Exhibit No. 240,
7 is that basically both a compilation of
8 information that you acquired during your
9 investigation and also the application of the data
10 that's included in State's Exhibit No. 223?

11 A. It is a compilation of those two sets of
12 information. These maps, of course, don't have
13 every bit of information that are contained in the
14 records, but a large bit of it, yes, sir.

15 Q. All right. And do you also think that it
16 would aid this jury in understanding your
17 testimony if they were able to use and see State's
18 Exhibit No. 240 to understand the application of
19 the technology that you applied in this case and
20 in this investigation?

21 A. Yes, I do.

22 MR. LAFON: Your Honor, at this
23 time, first off, I'd ask that State's Exhibit
24 No. 223 be admitted into evidence, just the phone
25 records.

1 MS. MULDROW: With the same as
2 previously discussed, Your Honor, same objection.

3 THE COURT: That will be overruled.
4 223 is admitted.

5 (State's Exhibit No. 223 offered and
6 admitted.)

7 MR. LAFON: All right. We'd also
8 ask that State's Exhibit 240 be admitted as well.

9 MS. MULDROW: Same, Your Honor.

10 THE COURT: State's 240 is admitted.
11 Overrule the objection.

12 (State's Exhibit No. 240 offered and
13 admitted.)

14 Q. (By Mr. Lafon) What is significant about
15 the use of cell phones versus just regular phones
16 which allow you to use them as an investigative
17 tool in a criminal investigation?

18 A. Well, both tools are useful, home phones
19 as well as cell phones. However, cell phone
20 records are in most cases much easier to access.
21 The call detail records, who calls whom.
22 Moreover, they have geographic information
23 associated with most calls, thereby we can
24 determine the approximate geographic area that a
25 handset was in when a call was made or received.

1 Obviously, with a landline phone,
2 barring some exceptions, you know where the phone
3 is installed, the physical address.

4 Q. All right. And in regards to -- in
5 regards to geographic location, how is it that a
6 use of a cell phone can help you with the
7 geographic location as to where that handset might
8 be?

9 A. The way that works is that the phone
10 companies record the cellular site information.
11 When I say site, a site is the tower that is used
12 to make or receive a call. Your handset has to
13 connect to this tower for the cell phone system to
14 connect the call to the regular telephone network.
15 That's commonly called a site.

16 This site data is recorded on the
17 telephone records with the phone company. In
18 addition to just the site of that particular
19 tower, in most cases we get a side or a sector of
20 that site, gives you roughly one-third of that
21 site's approximate range that further hones down
22 the area from which that particular call occurred
23 in or at least a portion of that call.

24 That is maintained by the phone
25 companies at least for some period of time after

1 it occurs. And with the appropriate legal
2 documentation we can get those records and then
3 make some sense of them and use them in our
4 investigations.

5 Q. So, basically, if I take my phone out, I
6 activate it, I get ready to make a call, send a
7 call to -- I guess to the point to where I'm
8 accessing the phone line, one of the pieces of
9 information recorded by the phone company is what
10 cell tower that signal is being received from?

11 A. That's correct. And in most cases with
12 almost all of the companies, with only one
13 exception that I know of in the Houston area, it
14 will also record the sector, the side of the
15 particular tower -- with most towers having three
16 sides -- that you're in as well.

17 Q. Okay. Now, are you familiar with GPS or
18 I think it's called global positioning satellite?

19 A. It's global positioning system, yes, sir.

20 Q. Okay. This is not the same thing as GPS;
21 is that correct?

22 A. No, it is not. And there are some newer
23 technologies in cell phone systems that do have
24 some GPS capabilities. That's not been deployed
25 widely yet. We are not able to access that in

1 most cases. But, of course, that's more exact and
2 tells you exactly where a handset is with a very
3 small margin of error, maybe only ten meters or
4 something like that, maybe 30 feet.

5 But, no, this is -- it's an
6 approximate geographic area that is determined
7 based on that tower's range in relation to other
8 towers and physical obstructions in the area, like
9 large buildings or in some cases if there were
10 land masses, like a mountain ridge, in between, of
11 course, that would affect as well.

12 Q. Okay. Looking here I have on the
13 projector basically the first page of State's
14 Exhibit No. 240. Can you describe and explain to
15 the ladies and gentlemen of the jury what we're
16 looking at here?

17 A. Sure. This is simply an overview map of
18 the Houston area with the towers from T Mobile,
19 which is the company from which these records
20 came. Every small yellow triangle you see
21 situated throughout that map represents an
22 individual tower for T Mobile or a site as I refer
23 to it.

24 And as you can see that those towers
25 are often clustered around denser areas of town

1 like downtown as well as along common traveled
2 areas, like interstates, freeways and whatnot.

3 As you get out to the more rural
4 areas of the Houston area you can see there are
5 fewer towers.

6 Q. Okay. All right. Let me zoom in because
7 I've also got it on the communicator as well,
8 maybe just to the downtown area. And we see these
9 little yellow pyramids, almost kind of look like
10 Christmas trees in a way.

11 Can you tell the ladies and
12 gentlemen of the jury what those represent there
13 on the map.

14 A. Those are those towers I spoke about.
15 They are the cell phone towers for T Mobile that
16 existed during the time of this investigation and
17 for the most part still exist today situated
18 throughout the Houston area.

19 In fact, where you see the "O" in
20 Houston is roughly where we are downtown. As you
21 can see, there is some cell towers right on the
22 east and west of us really from where we are here.

23 Q. Okay. And in regards to the information
24 that is collected by the tower, can you explain,
25 again, not only the tower location but the other

1 information that's also collected?

2 A. Yes, sir. When a call is made or
3 received to the handset, the system is going to
4 record what sector is used to connect that call.
5 So not only do you get the tower -- like let's say
6 that tower next to the "O" in Houston is Tower
7 12 -- you also get the side of that tower that
8 that call was -- the system used to connect the
9 call.

10 So, as opposed to just a rough
11 circle around that tower, we can say that this
12 person was in a roughly 120 degree sector off of
13 that tower when that call was made or received.
14 So you get the area and more specifically a sector
15 of that tower information.

16 And in most cases you get an
17 originating and a terminating center of
18 information, so you get up to two tower
19 information.

20 Q. Okay. Let me switch the DOAR presenter
21 over to a chalkboard and have you just kind of
22 illustrate what you're talking about.

23 You know how to use the monitor next
24 to you.

25 A. Yes, sir.

1 Q. When you're talking about the three sides
2 of the cell tower, can you show us kind of maybe
3 an aerial view of the tower and describe for us
4 what we're looking at?

5 A. Sure. In most cases, almost all systems
6 are like this. There are some variations, but
7 this is pretty universal. A cell site is roughly
8 shaped like that (indicating). It's never really
9 a perfect circle because it depends on the
10 neighboring towers and the range in height and
11 power. But as an illustration that's what the
12 center will be like.

13 And the sectors I spoke about are in
14 most cases like so (indicating), upside down peace
15 sign is what it's often called. This will be the
16 north sector (indicating), this is your southeast
17 sector, this is the southwest sector (indicating)
18 and those are denoted in different ways sometimes
19 by different systems. Sometimes they call it
20 north, southeast, southwest. More often they'll
21 call it A, B, C, one, two, three or even X, Y, Z.
22 It just depends on the particular recording method
23 for that company or how they were recording
24 certain records. But we can determine what sector
25 was used.

1 Q. Okay. So not only does the information
2 that's recorded in the phone records indicate what
3 cell tower was used, but it would also indicate
4 which of these three sectors would have been
5 supporting that phone call?

6 A. Yes. And I should clarify. They're
7 originating and terminating records as well here
8 with T Mobile and in most cases.

9 Q. And I'm going to ask you about those.
10 I'm about to get to that?

11 A. Okay.

12 Q. Let me give you an example to illustrate
13 that point.

14 A. Okay.

15 Q. Let's say I'm downtown, I'm going to
16 visit a friend of mine who lives in Kingwood and
17 the minute I walk out of the door, I pull my phone
18 out and I call a friend and I talk to the friend
19 the whole way that I'm on the phone all the way to
20 Kingwood?

21 A. Right.

22 Q. Can you tell us if we were to pull the
23 records from that phone call, what information
24 would you have in order to show or what could you
25 show a juror or somebody about my location in

1 regards to that phone call?

2 A. Okay. What we can tell you is that when
3 the call began, you were in a sector of a tower
4 that was in the downtown area. When the call
5 ended, you were in a sector of the tower in the
6 Kingwood area.

7 We could not tell you exactly what
8 route you took along the way. We could surmise
9 based on the length of the call and the distances
10 between the two towers that it's likely that you
11 did travel from Point A to Point B, being downtown
12 to the Kingwood area.

13 And then even determine, if we went
14 out and tested it, how long it would take to drive
15 at a certain time of day to further determine. If
16 we think you took, for example, Highway 59, which
17 is probably the most likely. But we could not say
18 definitively that we knew what route you took or
19 where you were in the interim.

20 But if there was -- if you say you
21 were on the phone for an hour and a half during
22 that time and you made some stops or went some
23 other places, we could say that you could have
24 gone any other number of other places. We just
25 wouldn't know. So we're only going to get the

1 originating and terminating, with one exception.
2 If we are investigating you at real time for some
3 reason like let's say you're charged and we're
4 looking for you, there are some capabilities where
5 we can watch your phone in real time and see where
6 you're traveling through.

7 In those cases, we can see what
8 towers you are connecting with, but that's a real
9 time investigation as opposed to an after-the-fact
10 analysis of historical records.

11 Q. Okay. Let me ask you this question: In
12 regards to the use of this technology in the
13 investigation of this case and the arrest of the
14 three suspects in this case, did you use both
15 basically the historical data as well as real time
16 in ascertaining information about the suspects?

17 A. Yes, sir. We were able to get some
18 historical records quickly from the phone company
19 and we were able to get the help of the U.S.
20 Marshals and get some real time information while
21 we were still pursuing them.

22 That combined with more traditional
23 methods of police work, interviewing, out there
24 looking, we were able to find all three
25 individuals through those two methods.

1 Q. All right. In fact, in regards to the
2 arrest of Shon Glaspie and the arrest of Elijah
3 Joubert, were the cell phone records employed in
4 actually, you know, getting close to locating
5 those individuals?

6 A. They were. They helped us figure out
7 areas of town that it appeared that the phone was
8 being operated in. The investigation revealed
9 they were believed to be using these phones. And
10 then other facts caused us to believe that they
11 might be in those areas possibly at least in one
12 of the cases. And so investigators or officers
13 were able to find the individuals that way.

14 Q. Okay. Obviously, the phone records are
15 kind of multidimensional. Not only do they
16 indicate this location data, but the mere fact
17 that somebody calls somebody and times and things
18 like that, they're able to be used in various
19 ways; is that correct?

20 A. Sure. You can see what -- who calls who
21 and how long it lasts.

22 Q. What I want to do is with the aid of you
23 and some of the computer technology people here at
24 the District Attorney's Office, have we taken some
25 of the phone calls from Shon Glaspie's cell phone

1 records and kind of illustrated not only the call
2 but the time of the call and then we also have the
3 general geographical data information included as
4 well; is that correct?

5 A. Yes, sir.

6 Q. Okay. What I want to do is just go to
7 the next slide and have you first spend a moment
8 telling us -- because basically the format of the
9 slides are exactly the same on all the remaining
10 slides; is that correct?

11 A. Yes, sir, they are.

12 Q. Just the individual data is different?

13 A. Right. Each slide should represent an
14 individual call.

15 Q. Okay. And so in regards to State's
16 Exhibit No. -- what was it -- 240, this being
17 Page 2 of that, can you tell the different
18 information that's included in that to illustrate
19 this first call by Mr. Glaspie?

20 A. Yes, sir. This is Defendant Glaspie's
21 phone records. And it started -- we started this
22 with the first call, I believe, or one of the
23 first calls technically on the Thursday, the day
24 of this offense.

25 At 1:03 a.m. on the 3rd of April,

1 2003, Glaspie's phone call made a call to
2 Defendant Brown's girlfriend at the time
3 apartment, Ericka Dockery. And I can tell from
4 the records as well where the handset was
5 approximately when that call took place.

6 Q. Okay. And what was the cell tower that
7 basically was picking up that phone call from
8 Mr. Glaspie's cell phone?

9 A. It's a tower located at 216 Winkler
10 Street there in Southeast Houston. This is not
11 far from the Gulf Freeway, I-45 South and the
12 Loop, on the south part of town. And you can see
13 there where it says cell tower location. That's
14 physically where the tower is from that arrow.
15 And that arrow upward is an arrow towards the area
16 on the north side of that tower that the records
17 indicated that the handset was in when that call
18 took place.

19 Q. Right. Basically we have an inset of the
20 map --

21 A. Right.

22 Q. -- with the arrow locating where that's
23 coming from showing us essentially the cell tower?

24 A. Yes.

25 Q. Okay. And this is pretty much the format

1 that we use on all the remaining slides?

2 A. Yes, sir. And we're trying to show from
3 the inset, where the arrow goes to that's the --
4 the smaller area that's blownup is represented on
5 the larger map of the Houston area to hopefully
6 give some reference to where that inset is being
7 blownup from in the Houston area.

8 Q. So the first call we have diagramed here
9 is a call in the early morning hours from Shon
10 Glaspie's cell phone to the Defendant's
11 girlfriend's apartment?

12 A. Right. To a landline.

13 Q. Right. To a landline. Indications were
14 that Shon was at his girlfriend's house. Is that
15 consistent with the map?

16 A. It is, yes, sir.

17 Q. All right. The same thing, it's a call
18 approximately 36 minutes later. What is that
19 documenting?

20 A. It's a call, 1:39 a.m. on April 3rd,
21 2003, from Glaspie's phone and it is to Defendant
22 Joubert's cell phone. And the tower data
23 indicated that it was on the southwest side of a
24 tower, that same tower located at 216 Winkler
25 Street.

1 Q. If we had indications that the Defendant
2 was at his girlfriend's house, is that consistent
3 with the cell tower location that you had in the
4 records?

5 A. It is. And the reason that it is is
6 because you can see from that line that it's very
7 close to the line where the call would go from one
8 sector to the other.

9 In those cases, my experience and
10 training has shown me that you can hit either side
11 of that tower from the location such as that.

12 Q. All right. The third phone call that
13 we've illustrated is a call at 6:42 a.m. on the
14 date of the incident?

15 A. Yes. It's a call from Defendant
16 Glaspie's phone to Defendant Brown's apartment --
17 correction -- Defendant Brown's girlfriend at the
18 time apartment. Her name is Ericka Dockery. And,
19 again, we're on 216 Winkler Street hitting the
20 southwest sector of that tower for this call.

21 Q. Okay. So essentially at this point in
22 time, the cell tower location off of Mr. Glaspie's
23 phone has been the same on these three slides thus
24 far?

25 A. The first one is a --

1 Q. Slightly different?

2 A. Slightly different, but it is indicative
3 of possibly being stationary for that entire time,
4 but cannot say that for sure.

5 Q. The next call we have at 6:43?

6 A. It's a call from Defendant Glaspie's cell
7 phone to Defendant Joubert's cell phone at 6:43
8 a.m. on April 3rd, 2003.

9 Again, we're getting the same site
10 data, same sector, the southwest side of the tower
11 at 216 Winkler Street.

12 Q. Okay. The next call at 6:44?

13 A. 6:44 a.m., a call from Glaspie's cell
14 phone to Glaspie -- to Defendant Brown's
15 girlfriend's apartment again. That's Ericka
16 Dockery's apartment, landline, at the apartment
17 physically.

18 And the same sector data showing the
19 southwest side of the tower located at 216 Winkler
20 Street.

21 Q. 6:48?

22 A. 6:48 a.m., call from Glaspie's phone
23 again -- correction -- it's a call from Defendant
24 Brown's girlfriend's apartment, Ericka Dockery's
25 apartment, to Defendant Glaspie's cell phone at

1 6:48 a.m. with the same southwest side of that
2 tower.

3 Q. And this kind of -- kind of reviews what
4 we've already talked about in regards to the use
5 of these cell phone records. I mean, they're
6 definitely kind of dual purpose. Not only are we
7 getting geographical information for where the
8 cell tower is that's being used, but we're also
9 getting information that these suspects are
10 potentially in contact with one another?

11 A. That is correct, yes, sir.

12 Q. Next call 6:50?

13 A. There is a call from Glaspie's cell
14 phone, 6:50 a.m., to Tonikia Hutchins' cell phone,
15 another woman.

16 Q. And Tonikia Hutchins, in your
17 investigation, you determined her to be who?

18 A. Glaspie's sister, I believe; is that
19 correct.

20 Q. Actually I believe Ms. Hutchins was his
21 girlfriend?

22 A. Girlfriend. All right. I'm sorry. I
23 stand corrected.

24 Q. All right. In regards to --

25 A. A person close to Glaspie.

1 Q. Do you recall whether or not the vehicle
2 used by the suspects in the robbery belonged to
3 his girlfriend?

4 A. That is correct. There was a white
5 vehicle that she accessed that was used.

6 Q. 7:15 a.m., we have a call by Glaspie to
7 Joubert's cell phone. We have a different cell
8 tower location on this call; is that correct?

9 A. That is correct, yes, sir.

10 Q. All right. We have one located at 8411
11 Villa or Villa Street. Can you tell us what that
12 is close to?

13 A. Yes. That is a different tower, probably
14 a few miles away from the first location we were
15 looking at. As you can see from the blow-up of
16 the inset where it says cell tower location, that
17 represents Hobby Airport right to the right of the
18 tower there. And so at this point in time that
19 handset is somewhere near the northwest area of
20 Hobby Airport.

21 Q. Okay. Where would that be in relation to
22 Almeda and Telephone Road?

23 A. Very close.

24 Q. So at 7:15 a.m. we see a call by the
25 Defendant Glaspie to Joubert's cell phone and they

1 are located in an area that's in close proximity
2 to Alameda and Telephone Road; is that correct?

3 A. Yes, sir. Right to the left of the
4 airport that is Telephone Road, and Alameda is
5 right above that, I believe. It's not shown but
6 it's right there.

7 Q. The next call 8:26 a.m.?

8 A. Okay. This is an example of a call that
9 we get two different sites. So there was possible
10 movement during the incident, but not necessarily
11 movement. It occurred at 8:26 a.m. it was from
12 Glaspie's cell phone and it was to Ericka
13 Dockery's phone, which Ericka Dockery is Defendant
14 Brown's girlfriend at the time.

15 The call originated on the southeast
16 side of the tower located at 7318 Cullen, that's
17 the southeast area of town very near the offense
18 location, really, off of the Loop. And the
19 termination site of that call is the north side of
20 a tower located at 3926 Fuqua, which is further
21 south from that location.

22 Q. Okay. I've tried to blowup on the DOAR
23 presenter the inset that we have on that
24 particular slide. And can you show us -- you've
25 labeled both the towers and then you've labeled an

1 item of interest in between.

2 Can you tell us what 5901 Selinsky
3 Street Apartment is.

4 A. Yes, sir. That's the Villa Americana
5 Apartments. It is an apartment complex that was
6 central to this investigation of which all of the
7 defendants spent a great deal of time. And we
8 found lots of people that knew the defendants and
9 we know that they spent time there and around the
10 complex, both before and after the offense.

11 Q. Okay. So not only do we document that
12 there's a call from Ms. Dockery's phone to Shon's
13 cell phone, but we also have geographic
14 information that locates that at the time this
15 call was made Shon's cell phone was in or near the
16 area of The VA apartments; is that correct?

17 A. That is correct. Cannot guarantee it was
18 there, but it is certainly consistent with being
19 there or in the immediate vicinity.

20 Q. Okay. Let me ask you this: I think
21 you've said this, but the fact that we have this
22 phone or this specific call hitting off of two
23 towers, does that necessarily mean that we had
24 movement at that point in time?

25 A. No, in my experience it does not mean

1 there's always movement, especially when the
2 sectors work out to be where they can overlap
3 possibly or point at each other. In my
4 experience, the systems can carry calls and
5 sometimes multiple towers for redundancy reasons.
6 So if one tower has to drop a call, the other one
7 can continue it. So that's one of the reasons
8 I've found and been told by the engineers of the
9 companies and, secondly, there may be movement in
10 between the towers. But they don't go outside the
11 bounds of those sectors.

12 Q. Okay. The next call at 8:45 a.m.?

13 A. It is a call to a phone in the name of a
14 woman named Sharhonda Simon. That was a landline
15 phone at the Villa Americana Apartments we spoke
16 about on Selinsky Street. It occurred at 8:45
17 a.m. and it was made from Defendant Glaspie's
18 phone.

19 Q. All right. And does this slide also
20 illustrate the failures of technology on occasion
21 as well?

22 A. That is correct. In this case the
23 records did not record a cell site for any number
24 of reasons, most likely of which in my experience
25 the call may have been very short and cutoff for

1 some reason before much information registered.

2 But they did get the dialed numbers in the system.

3 Q. Okay. We have a phone call -- well, let
4 me go back to illustrate. What time is the phone
5 call that we have here?

6 A. 8:45 a.m.

7 Q. All right. And the next phone call we
8 have is at what time?

9 A. 10:14 a.m., after the offense.

10 Q. All right. And where does that put us
11 back at?

12 A. This one is more conclusive of the 5901
13 Selinsky Street apartments for originating and
14 terminating off of a tower at 10903 Cullen there,
15 again, consistent with those apartment complex we
16 just spoke about, the apartment complex.

17 In this case Defendant Glaspie's
18 sister's cell phone or home phone is calling
19 Defendant Glaspie's cell phone.

20 Q. All right. Do you recall approximately
21 the time of the incident at the ACE check cashing
22 store?

23 A. I know they were opening at 10:00. It
24 was 9:40, 50 a.m. time frame. It was late, right
25 before 10:00 a.m. time frame I know.

1 Q. Okay. So the last call we have from --
2 the call we have before that is a call at 8:45.
3 The very next call that we have on Shon Glaspie's
4 cell phone records is at 10:14. So from 8:45
5 until 10:14 we don't have any cell phone activity
6 for Mr. Glaspie?

7 A. From his phone, that is correct, yes,
8 sir.

9 Q. At 10:17 we have another phone call?

10 A. Yes, a man named Jesse Coleman or a phone
11 he had access to called Defendant Glaspie's cell
12 phone at 10:17 a.m. and the site data in that
13 case, again, is consistent with being at or near
14 those apartments on Selinsky Street.

15 Q. Another one at 10:18.

16 A. 10:18 a.m., there was a call received on
17 Glaspie's phone from an 832 phone number. And
18 there, again, two originating and terminating
19 sites, in this case both consistent with being at
20 or near those apartments.

21 Q. At 10:27?

22 A. There's a call on Shon's cell phone to
23 another man in this investigation or a phone he
24 had access to named Aaron Brown, which is the
25 Defendant's brother, Defendant Brown's brother.

1 It occurred at 10:27 a.m. and, again, an example
2 of where the system did not record cell site data.

3 Q. Okay. 10:29?

4 A. It's a call by Defendant Glaspie's phone
5 to Defendant Glaspie's girlfriend, Tonikia
6 Hutchins who we spoke about, who was identified
7 for that or a phone she had access to. Again, two
8 cell site datas consistent with the apartment
9 complex.

10 Q. Being at The VA apartments?

11 A. Yes, sir.

12 Q. 10:42?

13 A. A call from Glaspie's phone, again, to a
14 phone that was linked to Tonikia Hutchins,
15 Glaspie's girlfriend. Again, the cell site data
16 is consistent with those apartments or being near
17 them.

18 Q. At 10:47, basically the same thing?

19 A. Basically the same thing. From Glaspie's
20 cell phone to a phone connected to his girlfriend
21 Tonikia Hutchins.

22 Q. 10:48?

23 A. 10:48 still shows to be at or near the
24 apartment complex and it was a call from the phone
25 connect link to Tonikia, Glaspie's girlfriend, to

1 Glaspie's phone.

2 Q. We have a call at 10:53?

3 A. Yes, sir. It's a call off of Glaspie's
4 cell phone to a phone connected to Aaron Brown,
5 who is Defendant Brown's brother. It was on
6 Glaspie's phone again. Again, the cell site data
7 is consistent with being at or near the Selinsky
8 Street apartments we spoke about.

9 10:54 a.m., a call from Glaspie's
10 phone to a phone connected to a landline at an
11 apartment complex. Actually went to this
12 apartment. The woman's name is Sharhonda Simon.
13 It identified she had a child with Defendant
14 Brown. The tower data shows consistent with being
15 at or near the apartment complex again.

16 11:03 a.m., Defendant Glaspie's
17 phone is in contact with Defendant Joubert's cell
18 phone, which is another defendant in this case.
19 And the site data off of Glaspie's phone is still
20 consistent with at or near the apartments.

21 11:31 a.m., a call from Glaspie's
22 phone -- a call to Glaspie's phone from a woman or
23 a house with a woman named Tammy Rogers and still
24 consistent with the apartments.

25 1:25 p.m., this is important to

1 point out the phone has moved by this point. So,
2 by 1:25 p.m. the afternoon of that Thursday, we
3 did not get the dial digits in this case, but we
4 did get some tower information. And we're hitting
5 the southwest side of that Winkler Street tower we
6 spoke about earlier. It's near the Loop and I-45
7 South.

8 Q. All right. So the next time that we see
9 something as far as the phone records can go, is
10 at 1:25 we know that they've left the Selinsky
11 Street apartments, The VA, and it appears they're
12 located somewhere in the vicinity of the Loop and
13 45 South?

14 A. Yes, sir. Whoever is using Glaspie's
15 phone, yes, sir.

16 Q. Right. The phone?

17 A. Yes, sir.

18 Q. And the next call?

19 A. The next call is a call by Glaspie to a
20 commercial number, some business number, but the
21 cell site data is near where we just were, near
22 the Loop 610 and I-45 South, at 2:06 p.m. that
23 afternoon.

24 Q. 2:27?

25 A. At 2:27 p.m., we're already off a

1 completely different part of town, Southwest
2 Houston at this point. And Glaspie's phone is
3 hitting a tower at 10615 Rockley Street, the
4 southeast side of that tower as well as the north
5 side of a tower at 11915 Southwest Freeway.
6 That's Highway 59 South.

7 This is going out right near the
8 Beltway and 59, going towards Missouri City into
9 the Sugar Land area.

10 3:27 p.m., similar cell site data.
11 It's a call to Glaspie's cell phone from a cell
12 phone connected to Aaron Brown, Defendant Brown's
13 brother. And the cell site data is consistent
14 with the same area out on the southwest side of
15 town as well as the motel where we arrested
16 Glaspie.

17 4:08 p.m., a call by Defendant
18 Glaspie to -- it says Ghetto there, that was the
19 alias of Defendant Joubert, to his cell phone.
20 And, again, it is consistent with that motel where
21 Glaspie was arrested.

22 5:31 p.m., similar cell site data
23 consistent with the motel where Glaspie was
24 arrested. It was a call to Glaspie's cell phone
25 from Defendant Joubert's cell phone.

1 5:34 p.m., cell site data still at
2 or near the motel where Glaspie was arrested and
3 it was a call to Glaspie's cell phone from Ericka
4 Dockery, Defendant Brown's apartment.

5 6:06 p.m., we still have cell site
6 data consistent with the motel. And it was a call
7 by Glaspie's cell phone to Elijah Joubert,
8 Defendant Joubert's cell phone.

9 Q. Okay. And that's the last one that we've
10 charted; is that correct?

11 A. That is correct, yes, sir.

12 Q. Let me talk to you just about this last
13 location?

14 A. Sure.

15 Q. Obviously, once again, it illustrates
16 what could be perceived as contact amongst the
17 suspects, but we also have the geographic location
18 of the phone itself at that point in time.

19 And at some point in time in the
20 investigation, did you learn that there was -- the
21 type of vehicles that were driven by the suspects.

22 A. We did, yes, sir.

23 Q. All right. And at some point in time you
24 learned that there was -- that Shon, in all
25 likelihood, was either going to be in a white

1 Lumina or a white Grand Am type vehicle; is that
2 correct?

3 A. That's correct. That information, those
4 vehicles were linked to his girlfriend Tonikia's
5 family.

6 Q. Okay. And so based on the fact that you
7 knew that the Defendant would either be most
8 likely either in a white Lumina or a white Grand
9 Am -- and in addition you knew this information on
10 that date, is that correct, or shortly thereafter?

11 A. We did know that information by -- by
12 that early morning hours that Friday morning, the
13 4th, when we were looking for Glaspie, yes, sir.

14 Q. All right. So understanding the data
15 that you had based on these cell phone records and
16 understanding the type of vehicle he would be in,
17 how is it that you employed this technology to
18 arrest him?

19 A. As we just commented, I was able to see
20 some of these cell site data by Thursday evening
21 and going into Friday morning after I was able to
22 obtain it from T Mobile. Combined with the
23 intelligence we just spoke about regarding some
24 vehicle information, we were able to get that
25 information to officers who were scouring this

1 area looking for the vehicle that Defendant
2 Glaspie may be driving. And a patrol officer that
3 works in that area of town was able to spot what
4 we believed was Glaspie's vehicle or the vehicle
5 he was driving at a motel, which is where he was
6 arrested.

7 Q. So, the information that you had based on
8 the cell phone records led to the arrest of Mr.
9 Glaspie combined with the fact that you knew what
10 kind of vehicle he would probably be driving?

11 A. Yes, sir. And astute officers in the
12 area, scouring the area and they did require going
13 to the manager and showing pictures of people to
14 see if they recognize anyone like that being
15 checked in a room. That's how we found the room.

16 Q. Okay. And similar occurrence in regards
17 to the arrest of Mr. Joubert as well; is that
18 correct?

19 A. Mr. Joubert's cell phone was being
20 monitored and we were able to see geographically
21 that he traveled to the Intercontinental Airport
22 area, north Houston, later in this day, that
23 Friday, the 4th, towards the later morning hours
24 as well as some other investigators had found some
25 information about an address associated with

1 Defendant Joubert in that area from a bondsman the
2 Defendant Joubert had used before.

3 And so those two facets of
4 information combined led investigators to
5 Joubert's location.

6 Q. And that's where he was arrested as well?

7 A. Yes, sir.

8 MR. LAFON: Pass the witness.

9 THE COURT: Ms. Muldrow.

10 CROSS-EXAMINATION

11 BY MS. MULDROW:

12 Q. Well, I guess it's good afternoon. How
13 are you?

14 A. All right. Thank you.

15 Q. You're a multi-tasker, right?

16 A. I try, yes, ma'am.

17 Q. Let's go back to the lineup. Your
18 supplement, is that 56?

19 A. That sounds right. I have a printout of
20 it that does not have the number on it, but that
21 does sound right, yes, ma'am.

22 Q. All right. Now, you were working the
23 lineup along with Sergeant Bloyd; is that right?

24 A. Yes, ma'am. He was there, yes, ma'am.

25 Q. Was Lieutenant Zoch there?